IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3339 OF 2002

in

SUIT NO. 382 OF 2001

Hill Crest Coop Hsg.Soc Ltd ... Plaintiff

versus

Mrs Patricia Adams .. Defendant

Mr.Suresh Mali for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 25th February, 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendant. The affidavit of service dated 16th December, 2004 sworn by Mr.Yeshwant Balkrishna Tambe has been filed on 13th January, 2005. Despite service, none is present for the defendants. No affidavit inreply has been filed. In the circumstances, the averments made in the motion are deemed to be admitted. In para 3 of the motion the

plaintiff has explained reasons for the absence. Hence, for reasons stated in para 3 of the affidavit, motion is made absolute in terms of prayer clause (a). The plaintiff to serve the restored motion on the defendants.

D.G.KARNIK, J